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NOV 22 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

November 22, 1994

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

OUR FILE NO.
1137-103-63

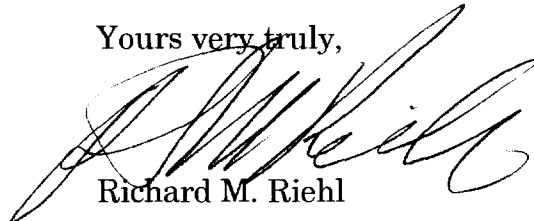
RE: Petition for Rule Making to Amend Section 73.202(b),
The Table of Allotments, at Coleman, Tuscola and Sebewaing, MI

Dear Mr. Caton:

On behalf of Faircom Flint Inc., please find enclosed an original and four copies of an Erratum to the above-referenced Petition for Rule Making.

Should you have any questions concerning this matter please contact this office directly.

Yours very truly,



Richard M. Riehl

Enclosures
RMR/das

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations,)
)
Coleman, Tuscola and Sebewaing,)
Michigan)

MM Docket No.
RM No.

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

TO: Chief, Mass Media Bureau

ERRATUM

On November 18, 1994, Faircom Flint Inc. ("Faircom"), licensee of Station WBBN, Tuscola, Michigan filed a Petition for Rule Making requesting, among others, changes in the Table of Allotments (73.202(b) of the Rules) to exchange channel 269A at Tuscola for Channel 268A at Coleman, Michigan. In that Petition, the old call letters of Faircom's Tuscola station, WKMF, were listed rather than the station's present call letters WBBN. The error has been corrected and a copy of the corrected Petition is attached.

Respectfully submitted,

FAIRCOM FLINT INC.



Richard M. Riehl, Esquire
Its Attorney

HALEY, BADER & POTTS
4350 North Fairfax Drive, Suite 900
Arlington, VA 22203-1633
703/841-0606

November 22, 1994

Before The
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
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)	
Coleman, Tuscola and Sebewaing,)	
Michigan)	

TO: Chief, Mass Media Bureau

PETITION FOR RULE MAKING

Faircom Flint Inc. ("Faircom") licensee of Station WBBN(FM) Channel 269A, Tuscola, Michigan, by its attorneys and pursuant to Section 1.420(g)(3) of the Rules, hereby requests the Commission to amend the FM Table of Allotments (Section 73.202(b) of the Rules) as follows:

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Coleman, Michigan	268A	269A ¹
Tuscola, Michigan	269A	268A ²
Sebewaing, Michigan	267A	281A ³

and to order the licenses of Stations WBBN and WPRJ to be modified accordingly. In support of this request, the following is respectfully submitted:

¹ Channel 269A can be allocated to Coleman at WPRJ's present transmitter location, North 43° 48' 41", West 84° 27' 57". See Attachment A, p. 1.

² In order to meet spacing requirements a site restriction at approximately North 43° 16' 02", West 83° 45' 34" is necessary (See Attachment A, p. 1).

³ In order to meet spacing requirements a site restriction at approximately North 43° 39' 30", West 83° 31' 00" is necessary (See Attachment A, p. 1).

BACKGROUND

Stations WBBN and WPRJ are currently restricted to operating with 3kW ERP, are short-spaced to several allotments and WBBN operating on its present channel receives interference in its normal service area from Stations WILS-FM, Flint and WDET, Detroit, Michigan. Petitioner's consulting engineers, Hatfield & Dawson, have concluded that by exchanging the channel allotments at Tuscola and Coleman, both Stations will be able to operate with 6 kW ERP. Such a change will, at the same time, improve the allocation situation on these channels both domestically and in Canada. However, the assigned allocation at Sebewaing, Michigan will need to be changed from Channel 267A to 281A.

DISCUSSION

Section 1.420(g)(3) of the Rules authorizes the Table of Allotments to be amended and modification of the license of the affected FM station to upgrade its facilities where the amended allotment would be mutually exclusive with the present assignment. In this case, since first adjacent channel allotments are involved, such improvement must be afforded both stations or there can be no improvement at all. As set forth below, the proposed changes in allotments satisfies all of the criteria and objectives of Section 1.420(g)(3) of the Rules⁴.

⁴ This exchange of channels would appear to qualify as an "Incompatible Channel Swap". See *Modification of FM Broadcast Licenses*, 60 RR2d 114, 120 (para. 24) (1986). Accord. *FM Channel Assignments, Blair, Nebraska*, 8 FCC Rcd 4086, 4088 (MMB 1986).

**A. Allocation of Channel 268A
at Tuscola**

As reflected in Mr. Lockwood's technical study, the substitution of Channel 268A for Channel 269A at Tuscola, Michigan will permit Station WBBN to become a full Class A station operating with 6kW ERP. Except for the present Coleman and Sebewaing, Michigan allocations, the proposed operation of Station WBBN on Channel 268A from the reference site fully meets the protection requirements for all domestic and foreign allotments. Further, since the reference site is located only 10.6 km from the Tuscola community reference coordinates and the predicted 6kW/100m 70 dBu contour extends to 16.3 km, it is clear City coverage of Tuscola can be achieved from the reference location. See Attachment A, pp. 1 and 2.

Domestic Considerations - The Coleman and Sebewaing Allocations.

Specifically with respect to the **Coleman, Michigan** allocation, without changing the FM Channel allotment at Coleman, Michigan from 268A to Channel 269A, there would be a short spacing of 31.8 km (Attachment A, Ex. 2, p. 3). However, as discussed in more detail *infra.*, Channel 269A can be allotted to Coleman, in lieu of Channel 268A, at Station WPRJ's present transmitter location in full compliance with all domestic and foreign allocations requirements. Further, this proposed change in the Coleman allocation will, for the first time, permit the operation of Station WPRJ with full Class A facilities.

As to the **Sebewaing, Michigan** allotment, the proposed allocation of Channel 268A at Tuscola is 5.8 km short spaced to the

vacant allocation of Channel 267A at Sebewaing, Michigan. (Attachment A, Ex. 2, p. 3)⁵. There are no applications pending for the present allotment, and thus a change of this allocation to Channel 281A will inconvenience no one. Further, the allocation of Channel 281A at the proposed reference location (N 43-39-30; W 83-31-00) meets all of the separation requirements for domestic and foreign allotments (Attachment A, p. 3 and Ex. 3). Finally, since the reference site is located only 9.76 km from the Sebewaing community reference coordinates and the predicted 6kW/100m 70 dBu contour extends to 16.3 km, it is clear City coverage of Sebewaing can be achieved from the reference location. See Attachment A, p. 3 and Ex. 3, p. 4.

Canadian Considerations.

The allotment of Channel 268A at the proposed Tuscola reference location is fully spaced for 6kW Class A operation under the Domestic Rules⁶ to the unused co-channel Canadian allotment at Sarnia, Ontario (Attachment A, p. 2). Further, operation of WBBN with 6kW at 100m HAAT completely satisfies the requirements for proposed allotments which do not conform to the *Table of Minimum Distance Separations* set forth in the *Working Arrangement* with Canada, Section 5.1.2 *et seq.* (Attachment A, p. 2). The attached map (Attachment A, Ex. 1, p. 5), demonstrates that the 34 dBu F(50;10) contour of the proposed Channel 268A allocation at Tuscola does not extend onto Canadian territory within the protected 54 dBu contour of the Sarnia co-channel allocation.

⁵ This allocation has been available for application since the end of 1990.

⁶ Notification of a Class B-1 station to Canada with a restriction of 6kW at 100m HAAT will be required. (Attachment A, p. 2)

In addition, while not an allocation mandate, it should be noted that, based on domestic allocations criteria, the situation between WBBN, Tuscola and CKNX, Wingham, Ontario (Ch. 269C1) will be improved. These allocations, with WBBN operating with only 3kW, are presently short-spaced by 49.6 km. Operation of WBBN on Channel 268A will entirely eliminate this short-spacing. (Attachment A, Ex. 1, pp. 1 and 4).

Additional Public Interest Considerations.

WBBN's present facilities are short-spaced by 10 km to co-channel station WILS, Lansing and by 5.5 km to WDET, Detroit (Channel 270B-grandfathered with 79kW at 137m HAAT). (Attachment A, Ex. 1, p. 1). In addition, actual interference in WBBN's normal service area is being experienced from these stations. The change in channel allotment at Tuscola to Channel 268A will eliminate these short-spacings and improve service on these respective channels.

**B. Allocation of Channel 269A
at Coleman, Michigan**

As with the change in the Tuscola allocation, the exchange of Channel 269A for Channel 268A at Coleman, Michigan will permit Station WPRJ to achieve full Class A operation -- something impossible to achieve with the present allocation. (Attachment A, p. 2).

Mr. Lockwood's study establishes that the substitution of Channel 269A for Channel 268A at Coleman, Michigan at Station WPRJ's present transmitter location meets all domestic and foreign allotments requirements. (Attachment A, p. 2).

Faircom hereby commits to pay those costs incident to WPRJ's channel change as required by the Commission.

Conclusion

The foregoing establishes that Channels 268A and 269A can be substituted at Tuscola and Coleman, Michigan respectively in full compliance with all domestic and foreign allotment requirements at the indicated reference coordinates, subject only to the substitution of Channel 281A for the vacant Channel 267A allotment at Sebewaing, Michigan. The allocation of Channel 281A at Sebewaing also satisfies all domestic and foreign allocations requirements. The change will also permit both stations - now operating with 3kW ERP - to become full Class A FM Stations.

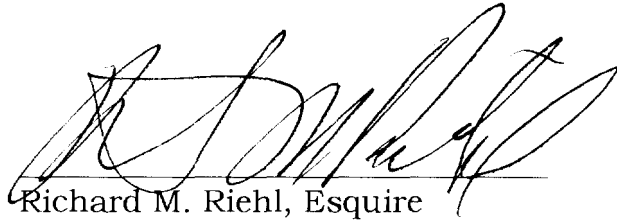
In addition, the assignment of Channel 268A at Tuscola will alleviate significant existing short-spacings with Stations WDET, Detroit and WILS, Lansing, Michigan. Finally, Faircom has committed to reimburse WPRJ Coleman for those costs incident to its change of channels and, if Channel 268A is allocated to Tuscola, Faircom will immediately proceed to implement the modification of WBBN's license.

In view of the foregoing, the Commission is requested to amend Section 73.202 of the Rules - the FM Table of allotments - in the following respects:

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Coleman, Michigan	268A	269A ⁷
Tuscola, Michigan	269A	268A ⁸
Sebewaing, Michigan	267A	281A ⁹

Respectfully submitted,

FAIRCOM FLINT INC.



Richard M. Riehl, Esquire
Its Attorney

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⁷ Channel 269A can be allocated to Coleman at WPRJ's present transmitter location, North 43°48'41", West 84°27'57". See Attachment A, p. 1.

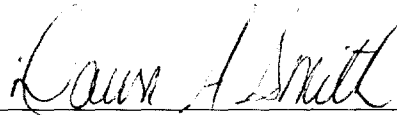
⁸ In order to meet spacing requirements a site restriction at approximately North 43° 16' 02", West 83° 45' 34" is necessary (See Attachment A, p. 1).

⁹ In order to meet spacing requirements a site restriction at approximately North 43° 39' 30", West 83° 31' 00" is necessary (See Attachment A, p. 1).

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing ERRATUM was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

Mr. Gary M. Bugh
Praise Radio (WPRJ(FM))
Box 236
5444 N. Coleman Road
Coleman, MI 48618

A handwritten signature in cursive script, reading "Dawn A. Smith", written over a horizontal line.

Dawn A. Smith

November 22, 1994